

Before the
Federal Communications Commission
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

In the Matter of)
)
Request for Review of the Decision of the)
Universal Service Administrator by)
)
Grainfield City Library)
Grainfield, Kansas)
)
Federal-State Joint Board on)
Universal Service)
)
Changes to the Board of Directors of the)
National Exchange Carrier Association, Inc.)

File No. SLD-384223

CC Docket No. 96-45

CC Docket No. 97-21

ORDER

Adopted: June 2, 2003

Released: June 3, 2003

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Grainfield City Library (Grainfield), Grainfield, Kansas, seeks review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).¹ Prior to the time that Grainfield filed its request with the Commission, it also filed an appeal of the same decision with SLD.² The Commission's rules do not contemplate simultaneous appeals of SLD's decisions to the Administrator and the Commission.³ We therefore dismiss Grainfield's Request for Review to the Commission without prejudice. Once the Administrator has issued its decision, Grainfield may then appeal to the Commission, if it believes such an appeal is warranted at that time.⁴

¹ Letter from Anna Whiteman, Grainfield City Library, to Federal Communications Commission, filed March 18, 2003 (Request for Review). Any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

² Letter from Anna Whiteman, Grainfield City Library, to Schools and Libraries Division, Universal Service Administrative Company, filed March 17, 2003.

³ 47 C.F.R. § 54.720 (when an applicant has an appeal pending with the Administrator, the period to file with the Commission is tolled until the Administrator's review is complete).

⁴ See 47 C.F.R. §§ 54.719 – 54.725 (setting forth rules pertaining to Commission review of the Administrator's decisions).

2. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed on March 18, 2003, by Grainfield City Library, Grainfield, Kansas, IS DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in black ink, appearing to read "Mark G. Seifert", with a stylized flourish at the end.

Mark G. Seifert
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau